



General Assembly

January Session, 2007

Raised Bill No. 7313

LCO No. 4955

04955_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING DOMESTIC VIOLENCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-63c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Except in cases of arrest pursuant to a bench warrant of arrest in
4 which the court or a judge thereof has indicated that bail should be
5 denied or ordered that the officer or indifferent person making such
6 arrest shall, without undue delay, bring such person before the clerk or
7 assistant clerk of the superior court for the geographical area under
8 section 54-2a, when any person is arrested for a bailable offense, the
9 chief of police, or the chief's authorized designee, of the police
10 department having custody of the arrested person shall promptly
11 advise such person of the person's rights under section 54-1b, and of
12 the person's right to be interviewed concerning the terms and
13 conditions of release. Unless the arrested person waives or refuses
14 such interview, the police officer shall promptly interview the arrested
15 person to obtain information relevant to the terms and conditions of
16 the person's release from custody, and shall seek independent
17 verification of such information where necessary. At the request of the

18 arrested person, the person's counsel may be present during the
19 interview. After such a waiver, refusal or interview, the police officer
20 shall promptly order release of the arrested person upon the execution
21 of a written promise to appear or the posting of such bond as may be
22 set by the police officer, except that no condition of release set by the
23 court or a judge thereof may be modified by such officer and no person
24 shall be released upon the execution of a written promise to appear or
25 the posting of a bond without surety if the person is charged with the
26 commission of a family violence crime, as defined in section 46b-38a,
27 and in the commission of such crime the person used or threatened the
28 use of a firearm.

29 (b) If the person is charged with the commission of a family violence
30 crime, as defined in section 46b-38a, the police officer may set
31 nonfinancial conditions of release which may require the arrested
32 person do one or more of the following: (1) Avoid all contact with the
33 alleged victim of the crime, (2) comply with specified restrictions on
34 the person's travel, association or place of abode that are directly
35 related to the protection of the alleged victim of the crime, or (3) not
36 use or possess a dangerous instrument, intoxicant or controlled
37 substance. Any nonfinancial conditions of release set pursuant to this
38 subsection shall remain in effect until the arrested person is presented
39 before the superior court pursuant to subsection (a) of section 54-1g.

40 (c) When cash bail in excess of ten thousand dollars is received for a
41 detained person accused of a felony, where the underlying facts and
42 circumstances of the felony involve the use, attempted use or
43 threatened use of physical force against another person, the police
44 officer shall prepare a report that contains (1) the name, address and
45 taxpayer identification number of the accused person, (2) the name,
46 address and taxpayer identification number of each person offering the
47 cash bail, other than a person licensed as a professional bondsman
48 under chapter 533 or a surety bail bond agent under chapter 700f, (3)
49 the amount of cash received, and (4) the date the cash was received.
50 Not later than fifteen days after receipt of such cash bail, the police

51 officer shall file the report with the Department of Revenue Services
52 and mail a copy of the report to the state's attorney for the judicial
53 district in which the alleged offense was committed and to each person
54 offering the cash bail.

55 (d) No police officer shall set the terms and conditions of a person's
56 release, set a bond for a person or release a person from custody under
57 this subsection unless the police officer has first checked the National
58 Crime Information Center (NCIC) computerized index of criminal
59 justice information to determine if such person is listed in such index.

60 (e) If the arrested person has not posted bail, the police officer shall
61 immediately notify a bail commissioner.

62 [(b)] (f) The chief, acting chief, superintendent of police, the
63 Commissioner of Public Safety, any captain or lieutenant of any local
64 police department or the Division of State Police within the
65 Department of Public Safety or any person lawfully exercising the
66 powers of any such officer may take a written promise to appear or a
67 bond with or without surety from an arrested person as provided in
68 subsection (a) of this section, or as fixed by the court or any judge
69 thereof, may administer such oaths as are necessary in the taking of
70 promises or bonds and shall file any report required under subsection
71 (a) of this section.

72 Sec. 2. Subsection (c) of section 46b-38b of the general statutes is
73 repealed and the following is substituted in lieu thereof (*Effective*
74 *October 1, 2007*):

75 (c) No peace officer shall be held liable in any civil action regarding
76 personal injury or injury to property brought by any party to a family
77 violence incident for an arrest based on probable cause or for any
78 conditions of release set pursuant to subsection (b) of section 54-63c, as
79 amended by this act.

80 Sec. 3. Section 53a-222 of the general statutes is repealed and the

81 following is substituted in lieu thereof (*Effective October 1, 2007*):

82 (a) A person is guilty of violation of conditions of release in the first
83 degree when, while charged with the commission of a felony [,
84 misdemeanor] or a motor vehicle violation for which a sentence to a
85 term of imprisonment of more than one year may be imposed, such
86 person is released pursuant to subsection (b) of section 54-63c, as
87 amended by this act, subsection (c) of section 54-63d or subsection (c)
88 of section 54-64a on the condition that such person (1) avoid all contact
89 with the alleged victim, or (2) not use or possess a dangerous weapon,
90 and such person intentionally violates that condition.

91 (b) Violation of conditions of release in the first degree is a class [A
92 misdemeanor] D felony.

93 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) A person is guilty of
94 violation of conditions of release in the second degree when, while
95 charged with the commission of a misdemeanor or a motor vehicle
96 violation for which a sentence to a term of imprisonment of not more
97 than one year may be imposed, such person is released pursuant to
98 subsection (b) of section 54-63c of the general statutes, as amended by
99 this act, subsection (c) of section 54-63d of the general statutes or
100 subsection (c) of section 54-64a of the general statutes on the condition
101 that such person (1) avoid all contact with the alleged victim, or (2) not
102 use or possess a dangerous weapon, and such person intentionally
103 violates that condition.

104 (b) Violation of conditions of release in the second degree is a class
105 A misdemeanor.

106 Sec. 5. Section 53a-40e of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2007*):

108 (a) If any person is convicted of (1) a violation of section 53a-59, 53a-
109 59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71,
110 53a-72a, 53a-72b, 53a-181c, 53a-181d, 53a-181e, [or] 53a-182b, 53a-183,

111 53a-223, 53a-223a or 53a-223b or [of] attempt or conspiracy to violate
 112 any of said sections or section 53a-54a, against a family or household
 113 member, as defined in [subdivision (2) of] section 46b-38a, or (2) any
 114 crime that the court determines constitutes a family violence crime, as
 115 defined in section 46b-38a, or attempt or conspiracy to commit any
 116 such crime, the court may, in addition to imposing the sentence
 117 authorized for the crime under section 53a-35a or 53a-36, if the court is
 118 of the opinion that the history and character and the nature and
 119 circumstances of the criminal conduct of such offender indicate that a
 120 standing criminal restraining order will best serve the interest of the
 121 victim and the public, issue a standing criminal restraining order
 122 which shall remain in effect until modified or revoked by the court for
 123 good cause shown. If any person is convicted of any crime against a
 124 family or household member, as defined in section 46b-38a, other than
 125 a crime specified in subdivision (1) or (2) of this subsection, the court
 126 may, for good cause shown, issue a standing criminal restraining order
 127 pursuant to this subsection.

128 (b) Such standing criminal restraining order may include but is not
 129 limited to enjoining the offender from (1) imposing any restraint upon
 130 the person or liberty of the victim; (2) threatening, harassing,
 131 assaulting, molesting, sexually assaulting or attacking the victim; or (3)
 132 entering the family dwelling or the dwelling of the victim.

133 (c) Every standing criminal restraining order of the court made in
 134 accordance with this section shall contain the following language:
 135 "This order shall remain in effect until modified or revoked by the
 136 court for good cause shown. In accordance with section 53a-223a,
 137 violation of a standing criminal restraining order issued by the court
 138 pursuant to subsection (a) of this section shall be punishable by a term
 139 of imprisonment of not less than one year nor more than five years, a
 140 fine of not more than five thousand dollars or both."

141 Sec. 6. Subdivision (20) of section 53a-3 of the general statutes is
 142 repealed and the following is substituted in lieu thereof (*Effective*

143 October 1, 2007):

144 (20) "Electronic defense weapon" means a weapon which by
145 electronic impulse or current is capable of immobilizing a person
146 temporarily, but is not capable of inflicting death or serious physical
147 injury, including a stun gun or other conductive energy device.

148 Sec. 7. Subsection (a) of section 46b-38b of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective*
150 *October 1, 2007*):

151 (a) Whenever a peace officer determines upon speedy information
152 that a family violence crime, except a family violence crime involving a
153 dating relationship, has been committed within such officer's
154 jurisdiction, such officer shall arrest the person or persons suspected of
155 its commission and charge such person or persons with the
156 appropriate crime. The decision to arrest and charge shall not (1) be
157 dependent on the specific consent of the victim, (2) consider the
158 relationship of the parties, or (3) be based solely on a request by the
159 victim. Whenever a peace officer determines that a family violence
160 crime has been committed, such officer may seize any firearm or
161 electronic defense weapon, as defined in section 53a-3, as amended by
162 this act, at the location where the crime is alleged to have been
163 committed that is in the possession of any person arrested for the
164 commission of such crime or suspected of its commission or that is in
165 plain view. Not later than seven days after any such seizure, the law
166 enforcement agency shall return such firearm or electronic defense
167 weapon in its original condition to the rightful owner thereof unless
168 such person is ineligible to possess such firearm or unless otherwise
169 ordered by the court.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2007	54-63c
Sec. 2	October 1, 2007	46b-38b(c)

Sec. 3	<i>October 1, 2007</i>	53a-222
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	53a-40e
Sec. 6	<i>October 1, 2007</i>	53a-3(20)
Sec. 7	<i>October 1, 2007</i>	46b-38b(a)

Statement of Purpose:

To provide greater protection to victims of domestic violence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]